

REMARKS

The present amendment is submitted in response to the Office Action dated September 14, 2007, which set a three-month period for response, making this amendment due by December 14, 2007.

Claims 1-10 are pending in this application.

In the Office Action, claim 1 was objected to for an informality. Claims 3, 4, 9 and 10 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Claim 1 was rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,099,705 to Dravnieks.

The Applicant note with appreciation the allowance of claims 2, 5, and 6-8 if rewritten in independent form to include the limitations of the base claim and any intervening claims.

In the present amendment, claims 3 and 9 have been amended to address the rejection under Section 112, second paragraph.

The Applicants respectfully disagrees with both the rejection of claim 1 under Section 112, second paragraph, as being indefinite, as well as the substantive rejection of claim 1 as being anticipated by the newly cited reference to Dravnieks.

Specifically, Dravnieks fails to disclose two features of present claim 1. First, according to the present invention, there is an oscillation mechanism that is able to impart a variable oscillation stroke, which is oriented lateral to the longitudinal motion, to the saw blade. This means

that there are two movements of the saw blade which are superimposed to one another, a longitudinal motion on the one hand and an oscillation movement oriented lateral to the longitudinal motion on the other hand.

According to the teaching of Dravnieks, there are no such two superimposed movements. Dravnieks discloses a reciprocating motion which is imparted on the tool 2 for cutting or otherwise working of the work member 3 (see col. 4, lines 57-59). There is no oscillation mechanism oriented lateral to the reciprocating motion. The examiner maintains that there is an oscillation mechanism (67/68/70) that is able to impart a variable oscillation stroke (to a counterweight 76). The examiner correctly states that this oscillation mechanism imparts a variable oscillation stroke *to a counterweight 76* but it does not impart a variable oscillation stroke to the tool. Thus the oscillation mechanism according to Dravnieks does not impart a variable oscillation stroke *to the saw blade*.

Second, according to the present invention the *oscillation stroke* is automatically adjusted between the maximum and minimum stroke during the sawing process, as a function of the pressure of the saw blade against a work piece to be sawn. This means that the oscillation stroke of the oscillation movement varies depending on the pressure of the saw blade against a work piece to be sawn.

Since Dravnieks does not teach an oscillation stroke oriented lateral to the longitudinal motion of the saw blade, it is evident that Dravnieks does not teach that the oscillation stroke is automatically

adjusted between the maximum and minimum stroke as a function of the pressure of the saw blade against a work piece to be sawn.

The Examiner refers to col. 9, lines 34-63 in this reference. Dravnieks discloses an automatic counterweight compensated system (lines 65). This mechanism is described in col. 10, lines 10-25. The tool holder is resiliently loaded by a spring unit to urge the tool to a stand-by in-line operating position. The spring establishes a normal holding force to allow the creation of a working pressure between the tool and the work. As the reaction working force is increased to a selected level which is greater than the force of the spring, the tool and tool holder pivots outwardly, as can be seen in Fig. 18. The pivoting of arm unit 70 relative to the counterweight drive lever changes the length of the lever arms and the coupled weight 81 and arm 73, thereby producing a variation in the length of the stroke of the sliding counterweight 81.

Thus Dravnieks discloses a variation in the counterweight system depending on the load, but not a variation in oscillation stroke of the saw blade.

The Applicant respectfully submit that Dravnieks is not a proper reference under 35 USC 102 pursuant to the guidelines set forth in the last paragraph of MPEP section 2131, where it is stated that "a claim is anticipated only if each and every element as set forth in the claims is found, either expressly or inherently described, in a single prior art reference", and that "the identical invention must be shown in as complete detail as is contained in the ... claim". Likewise,

Dravanieks does not meet the standards articulated under MPEP section 2143.03, since not all of the Applicant's claim limitations are taught or suggested.

The application in its amended state is believed to be in condition for allowance. Action to this end is courteously solicited. Should the Examiner have any further comments or suggestions, the undersigned would very much welcome a telephone call in order to discuss appropriate claim language that will place the application into condition for allowance.

Respectfully submitted,

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